

REMARKS

The present application was filed on November 9, 2000 with claims 1 through 35. Claims 3, 6-16, 19, 22-31, and 33-36 were cancelled in previous responses. Claims 1, 2, 4, 5, 17, 18, 20, 21, and 32 are presently pending in the above-identified patent application. Claims 1, 17, and 32 are proposed to be amended herein.

The Examiner rejected claims 1, 2, 4, 5, 17, 18, 20, 21, and 32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner rejected claims 1, 2, 4, 5, 17, 18, 20, 21, and 32 under 35 U.S.C. §103(a) as being unpatentable over Woolston (United States Patent Number 6,266,651 B1) in view of Silverman et al. (United States Patent Number 5,924,082) and further in view of Gary (United States Patent Number 6,618,707 B1).

The Examiner is thanked for the courtesy of a telephone interview on May 11, 2010 where the prior art rejections and proposed amendments were discussed. No agreement was reached. The Examiner suggested adding the limitations “by a processor device” and “by said processor device” to claim 1 and adding the claimed “tangible” limitations to claim 32 to avoid a section 101 rejection.

Section 112 Rejections

Claims 1, 2, 4, 5, 17, 18, 20, 21, and 32 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the Examiner asserts that it is unclear which of the steps of the claim are performed by a processor. Regarding claims 1, 17, and 32, the Examiner asserts that it is not clear as to what is the relationship between the comparing step and the posting step. The Examiner asks if the posting is performed independently and regardless of the outcome of the comparing step, or is the posting based on the outcome of the comparing step.

Applicant notes that the steps of the claim that are performed by a processor is a design choice, as would be apparent to a person of ordinary skill in the art. Applicants also note that independent claims 1, 17, and 32 have been amended to require posting each of said divided bids to one or more of said authorized market segments; and

comparing each posted divided bid to other pending bids in one or more of said authorized market segments to identify pending bids that are in proximity to each divided bid. Thus, the claims, as amended, clearly define the relationship between the posting and comparing steps.

5 Applicant respectfully requests that the section 112 rejections be withdrawn.

Independent Claims 1, 17 and 31

Independent claims 1, 17, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Woolston in view of Silverman et al. and further in view of
10 Gary. Regarding claims 1, 17, and 32, the Examiner asserts that Woolston discloses receiving a bid for one or more goods, said bid including one or more authorized market segments (claim 35).

Applicant notes that independent claims 1, 17, and 35 have been amended to require dividing said bid into a plurality of divided bids; posting each of said divided
15 bids to one or more of said authorized market segments; and comparing each posted divided bid to other pending bids in one or more of said authorized market segments to identify pending bids that are in proximity to each divided bid. (Support for this amendment can be found on page 8, lines 3-9, of the originally filed disclosure.) None of the cited references disclose or suggest dividing a bid into a plurality of divided bids;
20 posting each of the divided bids to one or more authorized market segments; and comparing each posted divided bid to other pending bids in one or more of the authorized market segments to identify pending bids that are in proximity to each divided bid.

Thus, Woolston, Silverman, and Gary, alone or in combination, do not
25 disclose or suggest dividing said bid into a plurality of divided bids; posting each of said divided bids to one or more of said authorized market segments; and comparing each posted divided bid to other pending bids in one or more of said authorized market segments to identify pending bids that are in proximity to each divided bid, as required by independent claims 1, 17, and 32, as amended.

Dependent Claims

Claims 2, 4, and 5 and claims 18, 20, and 21 are dependent on independent claims 1 and 17, respectively, and are therefore patentably distinguished over Woolston, Silverman et al., and Gary, alone or in combination, because of their dependency from
5 amended independent claims 1 and 17 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

Conclusion

All of the pending claims following entry of the amendments, i.e., claims 1, 2, 4, 5, 17, 18, 20, 21, and 32, are in condition for allowance and such favorable action
10 is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

15 Respectfully submitted,

/Kevin M. Mason/

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